



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/966,171	09/28/2001	Katsuyuki Yamada	65988 CCD	5507

7590 09/20/2005

COOPER & DUNHAM LLP
1185 Ave. of the Americas
New York, NY 10036

EXAMINER

ANGEBRANNDT, MARTIN J

ART UNIT	PAPER NUMBER
----------	--------------

1756

DATE MAILED: 09/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

VX

Office Action Summary	Application No. 09/966,171	Applicant(s) YAMADA ET AL.	
	Examiner Martin J. Angebranndt	Art Unit 1756	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 6/30/05.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14, 17-25 and 27-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14, 17-25 and 27-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

U

Art Unit: 1756

1. The response of the applicant has been read and given careful consideration. The rejection below are new based upon the appreciation that the “dislocation linear velocity” is also known as the “uppermost recrystallization linear velocity” in the prior art. This is only found in the instant specification by comparing table 1 with the corresponding text at [0176]. This position is supported by the cited figures in Yamada et al. ‘025 and EP 1058249 discussed below when compared with figure 19 of the instant specification. The examiner notes that these were cited as part of the 11 pages of IDS filed by the applicant returned with the first office action. As these are new rejections, the response to the arguments will be brief. The secondary references Ando et al. ‘543 and Hisotomi et al. WO 99/38168 clearly teach the lead in area including embossed information on the linear velocities during recording (writing) and erasure (recrystallization). The recording information is considered to include the standard recording conditions for that medium and the maximum standard recording conditions including linear velocity. The information being embossed into/onto the substrate is held to meet the limitations discussed on page 12 of the response.

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-14, 17-25 and 27-32 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The “dislocation linear velocity” should be replaced by “recrystallization upper linear velocity” based upon table 1 and the text at [0176] of the prepub.

Art Unit: 1756

The response of the applicant has been read and given careful consideration. Responses to the arguments are presented below.

In claim 13, "CiN" should be - - SiN- -.

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-4 and 6-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamada et al. '025, in view of Ando et al. '543 and Hisotomi et al. WO 99/38168.

Yamada et al. '025 teaches optical recording media comprising AgInTeSb and AgInTeSbN which are recorded using 2x and 4x CD rates (2.4 and 4.8 m/s respectively) and table 2 gives the recrystallization upper limit velocities. These have the structure of a polycarbonate substrate, a first ZnS-SiO₂ layer, a recording layer, a second ZnS-SiO₂ layer, an Al reflective layer and a resin overcoating. Example 2 has a uppermost recrystallization of 4.7 m/s, which is $0.97 \times V_r$ (the recording velocity). Example 6 has a uppermost recrystallization of 4.8 m/s, which is equal to V_r (the recording velocity). The dielectric layers may be various materials including SiC, SiN, SiO and SiO₂, may be multilayered and may be formed by sputtering. Note that figure 9 is identical to figure 19 of the instant specification.

Ando et al. '543 disclose GeTeSb phase change optical recording media (RAM) (8/53-58). The lead-in area is disclosed as containing embossed information including linear velocity upon recording and erasure. (10/60-64)

Art Unit: 1756

Hisotomi et al. WO 99/38168 disclose GeTeSb phase change optical recording media (RAM) (page 6). The lead-in area is disclosed as containing embossed information including linear velocity upon recording and erasure. (paragraph bridging pages 7-8)

It would have been obvious to modify the examples of Yamada et al. '025 by including the various performance characteristics, such as uppermost recrystallization velocity (which is the highest velocity at which erasure takes place) and the useful recorded velocities in the lead in area of the optical disc so that the disc is used under improper conditions as discussed by described Ando et al. '543 in column 8 and Hisotomi et al. WO 99/38168 on pages 6-8 as this is considered conventional to provide this information to the readout/recording system. Further, it would have been obvious to use a multilayers dielectric including SiN, SiO₂ or SiC based up[on the direction to do so at 13/35-47 of Yamada et al.'025. The values of the uppermost recrystallization velocity are all fine for the double speed recording.

6. Claims 1-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamada et al. EP 1058249, in view of Ando et al. '543 and Hisotomi et al. WO 99/38168.

Yamada et al. EP 1058249 teaches optical recording media comprising AgInTeSb and AgInTeSb(N,C,Ge) which are recorded using 4x and 8x CD rates (4.8 and 9.6 m/s respectively) and table 1 gives the recrystallization upper limit velocities (ns should be m/sec as ns is a measure of time, not velocity and the range 5.2 to 9.9, is within the 5-10 m/sec described in the specification/abstract). These have the structure of a polycarbonate substrate, a first ZnS-SiO₂ layer, a recording layer, a second ZnS-SiO₂ layer, an Al reflective layer and a resin overcoating. Example 5 has a uppermost recrystallization of 48.8 m/s, which is $0.97 \times V_r$ (the recording velocity (9.6 m/s)). Example 8 has a uppermost recrystallization of 9.9 m/s, which is equal to

Art Unit: 1756

$1.03 \times V_r$ (the recording velocity (9.6 m/sec)). The dielectric layers may be various materials including SiC, SiN, SiO and SiO₂, may be multilayered and may be formed by sputtering [0056-0059]. Note that figure 9 is identical to figure 2 of the instant specification.

It would have been obvious to modify the examples of Yamada et al. EP 1058249 by including the various performance characteristics, such as uppermost recrystallization velocity (which is the highest velocity at which erasure takes place) and the useful recorded velocities in the lead in area of the optical disc so that the disc is used under improper conditions as discussed by described Ando et al. '543 in column 8 and Hisotomi et al. WO 99/38168 on pages 6-8 as this is considered conventional to provide this information to the readout/recording system. Further, it would have been obvious to use a multilayers dielectric including SiN, SiO SiC or SiO₂ based up[on the direction to do so at 13/35-47 of Yamada et al.'025. The values of the uppermost recrystallization velocity are all fine for the double speed recording.

7. Claims 1-14, 17-25 and 27-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamada et al. JP 2000-079761, in view of Yamada et al. '025, Ando et al. '543 or Hisotomi et al. WO 99/38168.

Yamada et al. JP 2000-079761 (machine translation attached) in example 3 has a polycarbonate substrate, 103 nm ZnS-SiO₂ layer, a 16 nm recording $\text{Ag}_{4.7}\text{Ga}_{4.7}\text{Ge}_{4.6}\text{Sb}_{61.3}\text{Te}_{24.7}$ layer, a 41 nm ZnS-SiO₂ layer, a 200 nm reflective layer and a protective layer which is embraced by the language of claim 27. [0042]. Note Ag is considered an impurity.

It would have been obvious to one skilled in the art to modify the teachings/media of Yamada et al. JP 2000-079761 by embossing information concerning the linear velocities that the medium should be used at as taught by Ando et al. '543 or Hisotomi et al. WO 99/38168 and

Art Unit: 1756

including the information on the uppermost recrystallization velocities taught by Yamada et al. '025 to enable the recording system to immediately use the medium at the proper powers and rotational rates without testing with a reasonable expectation of success.

8. Claims 1-14, 17-25 and 27-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamada et al. JP 2000-079761, in view of Yamada et al. '025, Ando et al. '543 or Hisotomi et al. WO 99/38168.

Nobukuni et al. EP 1056077 in example 3 has a polycarbonate substrate, 100 nm ZnS-SiO₂ layer, a 20 nm recording Ga₅Ge₅Sb₆₈Te₂₂ layer, a 40 nm ZnS-SiO₂ layer, a 250 nm reflective layer and a protective layer which is embraced by the language of claim 27. [0464]. The addition of various materials including In, Ga, Si, Sn, Pb, Pd, Pt, Zn, Au, Ag, Zr, Hf, V, Nb, Ta, Cr, Co, Bi, N,O,S and rare earths as impurities to improve the performance and the reliability of the recording layer is disclosed [0073-0074].

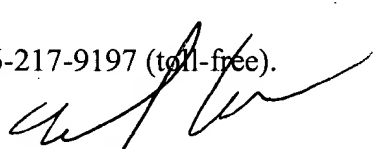
It would have been obvious to one skilled in the art to modify the teachings/media of Yamada et al. JP 2000-079761 by embossing information concerning the linear velocities that the medium should be used at as taught by Ando et al. '543 or Hisotomi et al. WO 99/38168 and including the information on the uppermost recrystallization velocities taught by Yamada et al. '025 to enable the recording system to immediately use the medium at the proper powers and rotational rates without testing with a reasonable expectation of success.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Martin J Angebrannndt whose telephone number is 571-272-1378. The examiner can normally be reached on Monday-Thursday and alternate Fridays.

Art Unit: 1756

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Huff can be reached on 571-272-1385. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Martin J Angebrannndt
Primary Examiner
Art Unit 1756

09/16/2005